

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

REC'D 08 JUL 2005

PCT ~~NEG~~ ~~EST~~

To:
JEFFRI A. KAMINSKI
VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing
(day/month/year) **06 JUL 2005**

Applicant's or agent's file reference

FOR FURTHER ACTION

See paragraph 2 below

30795-213139

International application No.

International filing date (day/month/year)

Priority date (day/month/year)

PCT/US05/01884

21 January 2005 (21.01.2005)

22 January 2004 (22.01.2004)

International Patent Classification (IPC) or both national classification and IPC

IPC(7): G08B 13/14 and US Cl.: 340/572.7, 572.8, 572.1

Applicant

MIKOH CORPORATION

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US
Mail Stop PCT, Attn: ISA/US
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Authorized officer

Daniel J. Wu

Telephone No. 571-272-2600

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US05/01884

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐ a sequence listing

☐ table(s) related to the sequence listing

b. format of material

☐ in written format

☐ in computer readable form

c. time of filing/furnishing

☐ contained in international application as filed.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US05/01884

Box No. V Reasoned statement under Rule 43 *bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>NONE</u>	YES
	Claims <u>1-17</u>	NO
Inventive step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-17</u>	NO
Industrial applicability (IA)	Claims <u>1-17</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:

Claims 1-17 lack novelty under PCT Article 33(2) as being anticipated by Eberhardt et al (US 6,107,920).

Eberhardt et al disclosed a method (see abstract, all figures and col. 3, lines 46-55) comprising: providing/applying an RF antenna (22) directly to and on an item (10); and electrically coupling a separate RFID electronics module (12) to the RF antenna (22) on the item (10) after the RF antenna is provided on the item (col. 5, lines 33-35; col. 6, line 65 to col. 7, line 1; col. 7, lines 21-24; col. 8, lines 15-17); thereby providing an RFID capability for the item. The electrically coupling between the RFID electronics module and the RF antenna can be non-contact (see Figs. 2, 4, 6, 8, 10 and 11) or direct electrical contact (see Figs. 12-14), adhesive and/or dielectric layer and alignment feature (see all figures and corresponding disclosure). The RF antenna is printed on the item using electrically conductive ink (col. 5, lines 42-43). Eberhardt et al in Figs. 15 and 16 showed the claimed locations of the RF antenna and RFID electronics module on the item. The tamper monitoring capability of the RFID electronic module is admitted by applicant to be prior art as disclosed by Atherton (US 2003/0075608 A1) in the specification, and therefore an obvious modification if not an inherent property of the electronics module of Eberhardt et al to the electronics module of Eberhardt et al.

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	Claims <u>1-17</u>	NO
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	Claims <u>1-17</u>	NO
Industrial applicability (IA)	Claims <u>1-17</u>	YES
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